

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

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| STATE OF OHIO, | : | APPEAL NO. C-110537 |
| | : | TRIAL NO. B-0104774 |
| Plaintiff-Appellee, | : | |
| vs. | : | <i>JUDGMENT ENTRY.</i> |
| DEANGELO WILLIAMS, a.k.a. | : | |
| ANGELO WILLIAMS, | : | |
| Defendant-Appellant. | : | |

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Defendant-appellant Deangelo Williams, a.k.a. Angelo Williams, presents on appeal a single assignment of error challenging the judgment of the Hamilton County Common Pleas Court overruling his Crim.R. 32.1 motion to withdraw his guilty pleas. We affirm the court's judgment.

Williams was convicted in 2002 upon guilty pleas to five counts of attempted murder and was sentenced to 26 years in prison. He failed to timely appeal his convictions, and we denied him leave to file a delayed appeal. *State v. Williams*, 1st Dist. No. C-060583 (Aug. 3, 2006), *appeal not accepted*, 112 Ohio St.3d 1408, 2006-Ohio-6447, 858 N.E.2d 819.

In July 2011, Williams filed with the common pleas court a Crim.R. 32.1 motion to withdraw his guilty pleas. The court overruled the motion, and this appeal followed.

In support of his motion, Williams offered outside evidence in the form of his own affidavit averring that his counsel had “guaranteed” him a prison sentence of only “15 years” and had told him that he “would only do 9 years.” But the record of the plea hearing shows that the trial court accepted Williams’s pleas in full conformity with Crim.R. 11 and only after Williams had acknowledged his understanding that a 15-year sentence had not been agreed to or promised, and that “nine years of actual time in the penitentiary * * * [was] not what [was] in all likelihood going to happen.”

From the record before us, we can only concur with the common pleas court’s conclusion, implicit in its judgment overruling Williams’s Crim.R. 32.1 motion, that Williams failed to sustain his burden of demonstrating that the withdrawal of his pleas was necessary to correct a manifest injustice. We, therefore, hold that the court, in overruling the motion, did not abuse its discretion. *See* Crim.R. 32.1; *State v. Smith*, 49 Ohio St.2d 261, 361 N.E.2d 1324 (1977), paragraph one of the syllabus. Accordingly, we overrule the assignment of error and affirm the judgment of the court below.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., DINKELACKER and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on April 18, 2012

per order of the court _____.
Presiding Judge